

THE CORPORATION OF THE UNITED COUNTIES

OF STORMONT, DUNDAS AND GLENGARRY

BY-LAW NO. 5265

A BY-LAW to adopt Official Plan Amendment No. 4 to the Official Plan of the United Counties of Stormont, Dundas and Glengarry.

WHEREAS the Official Plan of the United Counties of Stormont, Dundas and Glengarry was adopted by Council on July 17, 2017 and approved by the Minister of Municipal Affairs and Housing on February 4, 2018.

AND WHEREAS Section 17 (22) of The Planning Act, R.S.O., 1990 provides for the adoption of an official plan (or amendment) by a municipal council.

AND WHEREAS it is deemed that the amendment conforms to the intent of the County Official Plan through the addition of a Special Land Use District to Schedule A2.

AND WHEREAS the site-specific amendment adds residential apartments as a permitted use in the Agricultural Resource Lands designation within the Municipality of South Dundas, United Counties of Stormont, Dundas and Glengarry.


NOW THEREFORE the Council of the Corporation of the United Counties of Stormont, Dundas and Glengarry enacts as follows:

1. That Official Plan Amendment No. 4 to the Official Plan of the Corporation of the United Counties of Stormont, Dundas and Glengarry, attached hereto as Schedule "A" to this By-law, is hereby adopted.
2. That this By-law come into force and effect on the final passing thereof.

READ and passed in Open Council, signed and sealed this 19th day of October, 2020.



WARDEN



CLERK

SCHEDULE "A" TO BY-LAW No. 5265

**AMENDMENT NO. 4 TO THE
OFFICIAL PLAN FOR THE
UNITED COUNTIES OF STORMONT,
DUNDAS AND GLENGARRY**

Owner: Louis Bettencourt
Agent: Joseph Bettencourt

Official Plan Amendment
Special Land Use District

Municipality of South Dundas



**UNITED COUNTIES OF STORMONT
DUNDAS AND GLENGARRY**

**CERTIFICATION OF COMPLIANCE WITH PUBLIC INVOLVEMENT AND NOTICE
REQUIREMENTS**

I, Helen Thomson, Clerk, hereby certify that the requirements for the giving of notice and the holding of at least one (1) public meeting as set out in Subsection 17(15) of the Planning Act, R.S.O. 1990, and the giving of notice as set out in Subsection 17(23) of the Planning Act, R.S.O. 1990, have been complied with.

Signed _____
Helen Thomson, Clerk

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STATEMENT OF COMPONENTS

PART A - PREAMBLE introduces the actual Amendment but does not constitute part of Amendment No. 4 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

PART B - THE AMENDMENT consists of the following text, which constitutes Amendment No. 4 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

PART C - THE APPENDICES do not form part of Amendment No. 4 but are provided to clarify the intent and to supply background information related to the Amendment.

PART A – PREAMBLE

Purpose

The purpose of Amendment No. 4 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry, which is an amendment initiated by an individual pursuant to Section 22 of the *Planning Act*, is to add an item to Table 9.1.1 – Special Land Use Districts and to add a Special Land Use District to Schedule A2. The site-specific amendment adds residential apartments as a permitted use in the Agricultural Resource Lands designation. This will allow part of an existing, closed elementary school to be repurposed for residential use.

Location

The subject property is described as the west part of Lot 19, Concession 7, Geographic Township of Williamsburg, Municipality of South Dundas. The lands are located on the north side of SDG County Road No. 7.

Basis

The property is presently designated as “Agricultural Resource Lands” in the 2018 (previously 2006) United Counties of Stormont, Dundas and Glengarry Official Plan. The purpose of this designation is to protect prime agricultural land for agriculture and agricultural-related uses.

The subject lands currently house an existing, closed elementary school. It is located close to residential ribbon development which was previously identified as a rural settlement area in the 2006 Official Plan (removed in 2015). The property is significantly undersized for agricultural uses common in the area. The subject lands are not municipally serviced and have a septic system and well from the early 1990s. The owner currently stores vehicles in part of the building as permitted by the zoning by-law.

Both an official plan amendment and zoning amendment are required to permit the proposal.

PART B - THE AMENDMENT

The Introductory Statement

All of this part of the document entitled, Part B - The Amendment, consisting of the following text and Schedule 'A', constitutes Amendment No. 4 to the Official Plan for the United Counties of Stormont, Dundas and Glengarry.

Details of the Amendment

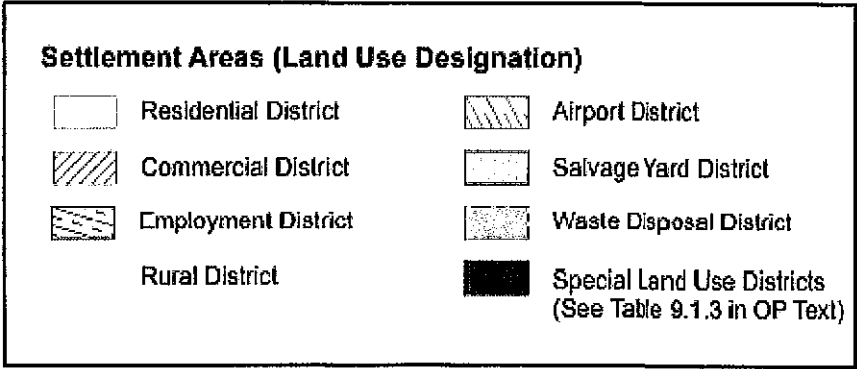
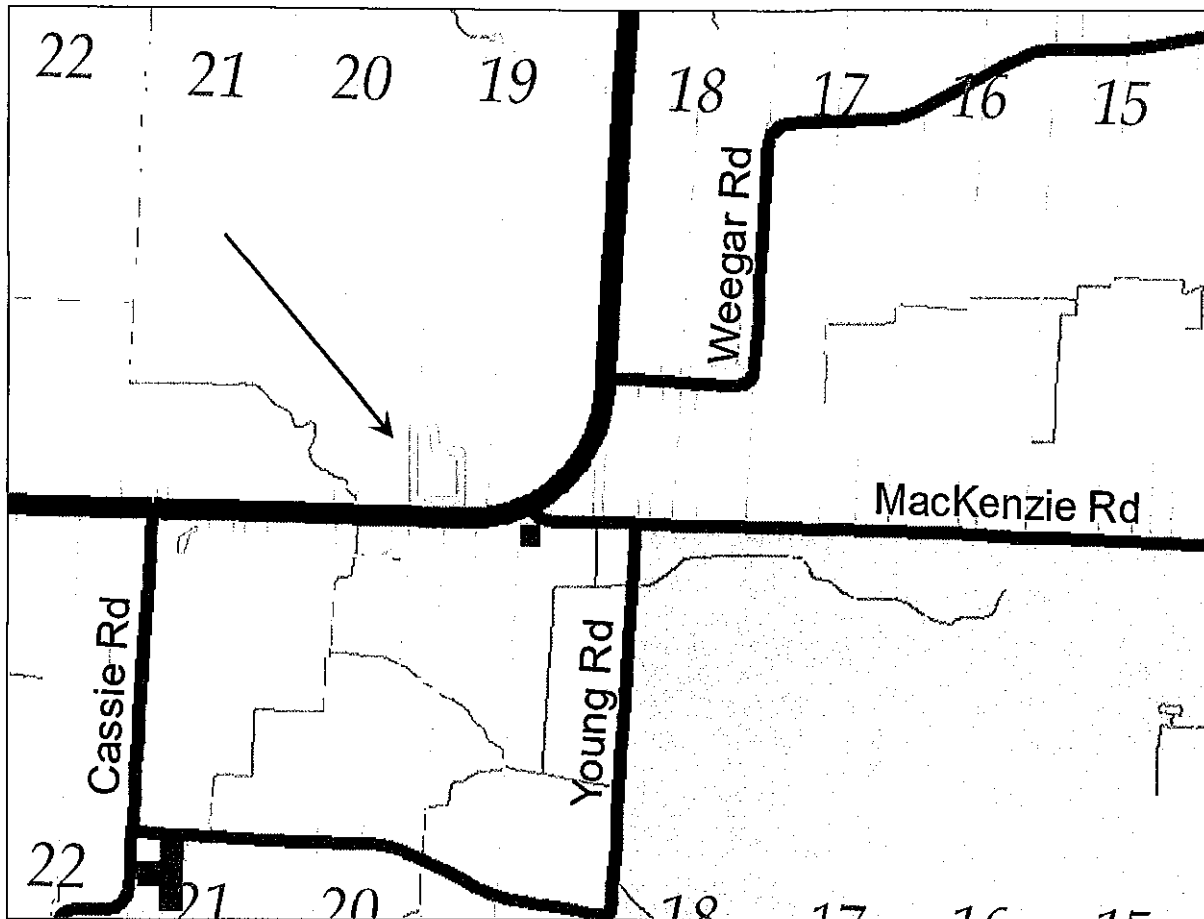
The Official Plan of the United Counties of Stormont, Dundas and Glengarry is amended as follows:

1. Schedule A2: Municipality of South Dundas is hereby amended by re-designating the lands shown as Area 1 on Schedule "A" to Amendment No. 4 attached hereto, into Section 9.2 Special Land Use Districts."
2. Table 9.1.1 - Special Land Use Districts, Municipality of South Dundas is hereby amended by adding the following:

"Notwithstanding the Agricultural Resource Land policies to the contrary, residential dwelling units shall be a permitted use on the subject lands."

Implementation

1. The policies of the Stormont, Dundas and Glengarry Official Plan with respect to the Agricultural Resource Lands and other general policies are still applicable to the subject lands.
2. The Amendment shall be implemented through an amendment to the Municipality of South Dundas Zoning By-law.



PART C – THE APPENDICES

APPENDIX A: NOTICE OF PUBLIC MEETING

APPENDIX B: RECORD OF PROCEEDING

Appendix A: Notice of Public Meeting

**THE CORPORATION OF THE MUNICIPALITY OF SOUTH DUNDAS
NOTICE OF PUBLIC MEETING CONCERNING
A PROPOSED OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT
3880 COUNTY ROAD 7
WEST PART LOT 19, CONCESSION 7
(FORMER GEOGRAPHIC TOWNSHIP OF WILLIAMSBURG)**

TAKE NOTICE that the Council of the Corporation of the Municipality of South Dundas will hold a Public Meeting on the 16th day of March 2020, at 6:00 p.m. at the Municipal Office, to consider a proposed Official Plan Amendment and Zoning By-Law Amendment under Sections 22 and Section 34 of the *Planning Act* respectively.

This lot was previously subject to a Zoning By-Law Amendment which resulted in the rezoning of the land to Rural Commercial Special Exception 10 (CR-10). The building was previously utilized for a school, but the CR-10 rezoning permitted the additional uses of a commercial garage, recreational vehicle wash bay, and recreational vehicle waste transfer and storage station.

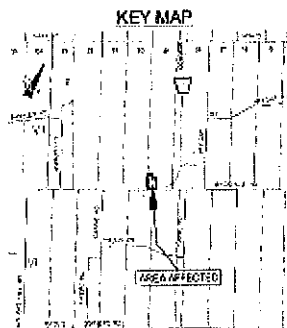
A Zoning By-Law Amendment is being now being requested to permit residential apartment units within the existing building. The zoning is being changed to add an apartment use to the list of permitted uses and remove the following uses as they wouldn't be compatible with the new residential land use: a commercial garage, recreational vehicle wash bay, and recreational vehicle waste transfer and storage station.

The Official Plan Amendment is required to create a special Agricultural designation in order to permit a residential apartment within the Agricultural designation.

The Key Plan identifies the location of the affected land. This Zoning By-law Amendment is not related to any Minor Variance, Plan of Subdivision or Consent Application.

ANY PERSON may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Amendments. If a person or public body does not make oral submissions at the Public Meeting or make written submissions to the United Counties of Stormont, Dundas and Glengarry or the Municipality of South Dundas before a decision is made on the Official Plan Amendment and the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of County Council or the Council of the Municipality of South Dundas to the Local Planning Advisory Tribunal.

If a person or public body does not make oral submissions at the Public Meeting, or make written submissions to the United Counties of Stormont, Dundas and Glengarry or the Municipality of South Dundas before a decision is made on the Official Plan Amendment and the Zoning By-law Amendment, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Advisory Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.



The By-law describing the lands, with a Key Map showing the location of the lands to which the application applies, are available for inspection at the Municipal Office during regular office hours. For additional information about this matter, including information about appeal rights, please contact the Director of Planning via email at planner@southdundas.com.

DATED at the Municipality of South Dundas this 4th day of February 2020.

Brenda M. Brunt, CMO
Director of Corporate Services/Clerk
Municipality of South Dundas
34 Ottawa Street, P.O. Box 740
Morrisburg ON K0C 1X0
Telephone: (613) 543-2673

Appendix B: Record of Proceedings



MINUTES

FIFTY-FIFTH MEETING OF THE SEVENTH COUNCIL OF THE MUNICIPALITY OF SOUTH DUNDAS

Tuesday, July 7, 2020, 6:00 PM

Present: Mayor Byvels
Deputy Mayor Gardner
Councillor Wells
Councillor Lewis
Councillor Mellan

Staff Present: CAO Geraghty
Clerk Brunt

Also Present: Chief Building Official, Director of Transportation, Planner
Consultant, Deputy Clerk

1. CALL TO ORDER

Mayor Byvels called the meeting to order, noting that Council and Staff were meeting electronically in response to the COVID-19 virus.

2. ROLL CALL

Clerk Brunt conducted the roll call.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Nil.

4. PUBLIC MEETING

Mayor Byvels provided an introductory statement regarding the Public Meeting, noting its purpose, procedure, and appeal rights.

Resolution No. 18-22-595
Moved By Deputy Mayor Gardner
Seconded By Councillor Wells

THAT the Public Meeting to consider Zoning By-law Amendments, be opened at 6:01 p.m.

Member of Council:	In Favour	Opposed
Mayor Byvelds	X	
Deputy Mayor Gardner	X	
Councillor Wells	X	
Councillor Lewis	X	
Councillor Mellan	X	
Total:	5	0

CARRIED

a. Zoning By-law Amendment - 10279 County Road 2

Katie Morphet, Municipal Planning Consultant, provided an overview of the proposed Zoning By-law Amendment at 10279 County Road 2 (Part Lot 33, Concession 1) of the former geographic Township of Matilda. She noted that this residential lot was subject to a consent application, which resulted in the severance of a vacant parcel comprising the bulk of the property from the subject property, the retained lot. The Zoning By-law Amendment (ZBA) applies only to the front portion of the subject property and is needed to fulfill a condition of approval of the aforementioned consent in order to bring the lot into conformity with the Zoning By-Law. This Zoning By-law Amendment is being required to permit the existing residential use and reduce the minimum requirements for Lot Frontage, Lot Area, Exterior Side Width and Interior Side Width for a single detached dwelling. The zoning is being changed by rezoning the front portion of the retained parcel zoned Mineral Aggregate Reserve (MAR) to Rural Special Exception 39 (RU-39). In addition she noted that the amendment is related to Consent Application B-110/19. This Zoning By-law Amendment is not related to any Minor Variance, Official Plan Amendment, or Plan of Subdivision.

Mayor Byvelds inquired if the applicant had any further comments. He noted that the applicant was not in attendance.

Mayor Byvelds inquired if any members of the public wished to submit comments. Deputy Clerk Robert noted none were registered to participate.

Members of Council asked questions regarding access to severed lands. Municipal Planning Consultant Morphet noted that the severed lands have frontage.

b. Zoning By-law Amendment - 12675 Garlough Road (Weegar)

Katie Morphet, Municipal Planning Consultant, provided an overview of the proposed Zoning By-law Amendment at 12675 Garlough Road (Part Lot 25, Concession 6) of the former Geographic Township of Williamsburg. She noted that this farm lot was subject to a consent application, which resulted in the severance of a surplus dwelling lot from a vacant farm parcel comprising the bulk of the property. The Zoning By-law (ZBA) amendment is needed to fulfill a condition of approval of the aforementioned consent application wherein no new permanent residential uses are to be allowed on the portion of the retained vacant farm parcel zoned Agricultural. This Zoning By-law amendment is also needed to reduce the required minimum lot frontage to 183 metres and the required minimum lot area to 212,000 metres squared. The zoning is being changed by rezoning the portion of the retained parcel zoned Agricultural Special Exception 28 (A-28) to Agricultural Special Exception 66 (A-66). In addition, she noted that this amendment is related to Consent Application B-105/19. This Zoning By law Amendment is not related to any Minor Variance, Official Plan Amendment, Plan of Subdivision or Consent application.

Mayor Byvelds inquired if the applicant had any further comments. He noted that the applicant was not in attendance.

Mayor Byvelds inquired if any members of the public wished to submit comments. Deputy Clerk Robert noted none were registered to participate.

Members of Council did not have any questions or concerns.

c. Zoning By-law Amendment - 3880 County Road 7 (Bettancourt)

Katie Morphet, Municipal Planning Consultant, provided an overview of the proposed Zoning By-law Amendment at 3880 County Road 7 (West Part Lot 19, Concession 7) of the former geographic Township of Williamsburg. She noted that this lot was previously subject to a Zoning By-Law Amendment (ZBA) in 2011 which resulted in the re-zoning of the lands to Rural Commercial Special Exception 10 (CR-10). The building was previously utilized for a school, but the CR-10 rezoning only permitted the use of a public storage facility; recreational vehicle

storage; training or trade school; office for a small business; commercial garage; custom workshop; recreational vehicle wash bay; as well as a recreational vehicle waste transfer and storage station. She stated that a Zoning By-Law Amendment is now being requested to permit residential apartment units within the existing building. The zoning is being changed by adding an apartment use to the list of permitted uses and removing the following incompatible residential land uses: a commercial garage, recreational vehicle wash bay, and recreational vehicle waste transfer and storage station.

The Official Plan Amendment is required to create a special Agricultural designation in order to permit a residential apartment within the Agricultural designation. This application is currently being undertaken with the United Counties of Stormont, Dundas and Glengarry. This Zoning By-law Amendment is not related to any Minor Variance, Plan of Subdivision or Consent Application.

Mayor Byvelts inquired if the applicant had any further comments. Ryan Poulton and Murray Chown of Novatech provided comments concerning the application, noting intended use, impact on housing and responded to comments submitted to them by a local property owner.

Mayor Byvelts inquired if any members of the public wished to submit comments. Renny Van Gilst, 3904 County Road 7, noted that his comments and questions had been addressed through the presentation and had no further comment.

Members of Council discussed impact on future surrounding land uses, potential septic complications, and additional structures on the property.

d. Zoning By-law Amendment - Swimming Pool Fencing

Katie Morphet, Municipal Planning Consultant, provided an overview of the proposed Zoning By-law Amendment. She noted that the proposed Zoning By-Law Amendment (ZBA) will remove all provisions for swimming pools, as currently required by Section 3.36 of Zoning By-Law No. 2010-48. All lands found within the Municipality of South Dundas are subject to this amendment. The Municipality of South Dundas will be moving forward with adopting a Municipal-wide Pool By-Law under the Municipal Act, 2001, which will regulate pool setbacks and fencing requirements. She stated that this Zoning By-law

Amendment is not related to any Consent Application, Minor Variance, Official Plan Amendment or Plan of Subdivision.

CBO Lowey provided further background regarding the ZBA, noting previous Council direction, development of the Draft Pool By-law, and next steps.

Mayor Byvelds inquired if any members of the public wished to submit comments. Douglas Grenkie, 11907 Lakeshore Drive, stated his concern regarding a potential legal loophole if the provisions on pool fencing were removed without a subsequent by-law being passed. Mayor Byvelds provided clarification, noting the draft By-law was on the agenda for discussion.

Members of Council did not have any questions or concerns.

Resolution No. 18-22-596
Moved By Councillor Lewis
Seconded By Councillor Mellan

THAT the Public Meeting to consider Zoning By-law Amendments, be closed at 6:50 p.m.

Member of Council:	In Favour	Opposed
Mayor Byvelds	X	
Deputy Mayor Gardner	X	
Councillor Wells	X	
Councillor Lewis	X	
Councillor Mellan	X	
Total:	5	0

CARRIED

5. ACTION REQUEST

- a. TR2020-11 - Power to Morrisburg Beach House

Resolution No. 18-22-597
Moved By Deputy Mayor Gardner
Seconded By Councillor Wells

THAT the Council of the Municipality of South Dundas accept Report TS2020-11 to install underground wiring for future streetlights on Cruickshank Way and to supply a dedicated power line to the Morrisburg Beach House at a cost of \$6,661.37 plus HST.

Member of Council:	In Favour	Opposed
Mayor Byvelds	X	
Deputy Mayor Gardner	X	
Councillor Wells	X	
Councillor Lewis	X	
Councillor Mellan	X	
Total:	5	0

CARRIED

6. DISCUSSION ITEMS

- a. Draft Pool Fence By-law Discussion

CBO Lowey provided an overview of the Draft Pool Fence By-law, noting its purpose to replace the sections of the Zoning By-law that are being proposed to be removed. She highlighted that the proposed By-law will be under the Municipal Act, allowing Council to pass amendments to respond to changes in regulation, basic maintenance and upkeep regulations, location and fence requirements directly.

Members of Council asked questions regarding minimum size for a building permit. Council provided direction to Staff regarding public consultation.

7. BY-LAWS

- a. 2020-49 - 10279 County Road 2 (Lewis)

Resolution No. 18-22-598
Moved By Councillor Mellan
Seconded By Councillor Wells

That By-Law No. 2020-49, being a By-law to amend Zoning By-law No. 2010-48, be read and passed in open Council, signed and sealed.

Member of Council:	In Favour	Opposed
Mayor Byvelds	X	
Deputy Mayor Gardner	X	
Councillor Wells	X	
Councillor Lewis	X	
Councillor Mellan	X	
Total:	5	0

CARRIED

- b. 2020-50 - 12675 Garlough Road (Weegar)

Resolution No. 18-22-599
Moved By Councillor Lewis
Seconded By Deputy Mayor Gardner

That By-Law No. 2020-50, being a By-law to amend Zoning By-law No. 2010-48, be read and passed in open Council, signed and sealed.

Member of Council:	In Favour	Opposed
Mayor Byvelds	X	
Deputy Mayor Gardner	X	
Councillor Wells	X	
Councillor Lewis	X	
Councillor Mellan	X	
Total:	5	0

CARRIED

c. 2020-51 - 3880 County Road 7 (Bettancourt)

Resolution No. 18-22-600
Moved By Councillor Lewis
Seconded By Councillor Wells

That By-Law No. 2020-51, being a By-law to amend Zoning By-law No. 2010-48, be read and passed in open Council, signed and sealed.

Member of Council:	In Favour	Opposed
Mayor Byvelds	X	
Deputy Mayor Gardner	X	
Councillor Wells	X	
Councillor Lewis	X	
Councillor Mellan	X	
Total:	5	0

CARRIED

8. ADJOURNMENT

Resolution No. 18-22-601
Moved By Councillor Mellan
Seconded By Deputy Mayor Gardner

THAT Council now adjourn to meet again at the call of the Chair.

Member of Council:	In Favour	Opposed
Mayor Byvelds	X	
Deputy Mayor Gardner	X	
Councillor Wells	X	
Councillor Lewis	X	
Councillor Mellan	X	
Total:	5	0

CARRIED

MAYOR

CLERK

Public Comments Received from South Dundas

Bettan Court re-zoning 3880 County Rd 7

Rip (Renny) VanGilst <vangilstr@gmail.com>

Mon 7/6/2020 7:13 AM

To: Planner Consulting Firm <planner@southdundas.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

July 06, 2020

Good morning:

To whom it may concern:

As owner of the property immediately to the west of this property , I have some concerns.

1. When the property was a school, a new septic system was constructed to the north and along our east property line. After said construction there was a wet area along that portion of the property negatively affecting my cropping. As I understand it, this will be the septic system for the proposed dwellings. My concern is that this wet area may reoccur now when the septic system will be used again.

2. Initially there were to be 2 units & that now is 4 units. How many units will be allowed in the future? Will they be restricted to 4 units?

3, We do not have livestock at the present but we do not wish to be restricted from having livestock in the future because of these new residential apartments & their occupants.

4. When said property was an active school, we were constantly picking up garbage, (ie candy wrappers, chip bags & small stuff) but put up with it as kids being kids. I will assume that these apartments will have a proper garbage containment system and that the occupants will use it.

Renny VanGilst 3904 County Rd 7
Chesterville, Ont., K0C 1H0 613-898-3074

8/25/2020

Mail - Planner Consulting Firm - Outlook

RE: Bettan Court re-zoning 3880 County Rd 7

Ryan Poulton <r.poulton@novatech-eng.com>

Tue 7/7/2020 3:26 PM

To: Planner Consulting Firm <planner@southdundas.com>

Cc: Murray Chown <m.Chown@novatech-eng.com>

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Good afternoon Katie,

Please see our responses to Renny VanGilst's comments below in blue.

1. When the property was a school, a new septic system was constructed to the north and along our east property line. After said construction there was a wet area along that portion of the property negatively affecting my cropping. As I understand it, this will be the septic system for the proposed dwellings. My concern is that this wet area may reoccur now when the septic system will be used again.

The proposed residential units will be rented. The maintenance of the septic system will be the responsibility of the owners of 3880 County Road 7. The owners will need to ensure that the existing septic services on the property has sufficient capacity for the four proposed one bedroom, one bathroom residential units.

2. Initially there were to be 2 units & that now is 4 units. How many units will be allowed in the future? Will they be restricted to 4 units?

The requested zoning will restrict the property to four residential units. A new Zoning By-law Amendment application would be required to seek permission in increase the number of residential units permitted on the property beyond the four proposed today.

3. We do not have livestock at the present but we do not wish to be restricted from having livestock in the future because of these new residential apartments & their occupants.

The minimum distance separation formulae (MDS) is used to prevent conflict between agricultural uses and sensitive uses including residential uses in the rural area.

We understand there is an unoccupied livestock barn on the adjacent property at 3904 County Rd 7. Approval of the proposed rezoning and conversion of the existing school to accommodate four residential units at 3880 County Road 7 will not prevent the existing unoccupied livestock barn from housing livestock in the future. No MDS calculation is required to house livestock in the existing barn.

Any alterations to the existing barn requiring a building permit, or new livestock building or anaerobic digester proposed on the property will be required to meet the MDS II Formulae, or seek a minor variance. 3904 County Rd 7 is a large property. Depending on its size and location a new livestock facility or anaerobic digester can be located on the property to respect the required MDS II setback from the proposed residential units at 3880 County Road 7. There are also existing residential dwellings along County Road 7 where MDS II setbacks will need to be respected to locate a new livestock facility or anaerobic digester at 3904 County Rd 7.

4. When said property was an active school, we were constantly picking up garbage, (ie candy wrappers, chip bags & small stuff) but put up with it as kids being kids. I will assume that these apartments will have a proper garbage containment system and that the occupants will use it.

Waste collection and disposal will be the responsibility of the owners of 3880

County Road 7. Thanks,

Ryan Poulton, M.P.L., Planner

NOVATECH Engineers, Planners & Landscape Architects

240 Michael Cowpland Drive, Suite 200, Ottawa, ON, K2M 1P6 | Tel: 613.254.9643 x 311

The information contained in this email message is confidential and is for exclusive use of the addressee.

From: Planner Consulting Firm <planner@southdundas.com>
Sent: Tuesday, July 7, 2020 11:21 AM
To: Ryan Poulton <r.poulton@novatech-eng.com>
Cc: Murray Chown <m.Chown@novatech-eng.com>
Subject: Fw: Bettan Court re-zoning 3880 County Rd 7

Hi Ryan,

We received the following comment on your application yesterday morning. In order to have Council consider the ZBA following the public meeting, we will need a response from you. Can you please provide a response, to the best of your abilities, as soon as possible?

Thanks
Katie Morphet, MCIP, RPP on behalf of

From: Rip (Renny) VanGilst <vangilstr@gmail.com>
Sent: Monday, July 6, 2020 7:13 AM
To: Planner Consulting Firm <planner@southdundas.com>
Subject: Bettan Court re-zoning 3880 County Rd 7

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July 06, 2020

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